

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERTA LEE LAWRENCE AND
STEPHEN H. LAWRENCE,

VERIFIED ANSWER

Plaintiff,

- against -

Index No.: CV 08 00239

SKENDER RADONCIC,

Defendants.

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C O U N S E L O R S:

The defendant, **SKENDER RADONCIC**, appearing herein by **EPSTEIN & McDONALD, ESQS.**, his attorneys as and for an answer to the complaint of the plaintiff, alleges.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION

FIRST: Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraphs of the complaint designated as follows: "1", "2", "3", "4", "5", "6", "7", "9" and "10" and leave(s) all questions of law to the Court for determination at time of trial.

SECOND: Denies each and every allegation contained in paragraph(s) "8", "11", "12" and "13" of the complaint and leave(s) all questions of law to the Court for determination at time of trial.

AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION

THIRD: Repeat(s) and reiterate(s) each and every admission and denial to the allegations set forth in paragraphs "1" through "13" of the complaint with the same force and effect as if herein set forth at length in answer to the allegations set forth in paragraph designated paragraph "14" of the complaint.

FOURTH: Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraphs of the complaint designated as follows: “15” and leave(s) all questions of law to the Court for determination at time of trial.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

That the accident alleged in the complaint and the injuries and damages alleged therein to have been incurred by the plaintiff were proximately caused in whole or in part by the contributory negligence and/or culpable conduct of the plaintiff herein.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

The plaintiff fails to state a viable cause of action against the defendant.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

Any injuries or damages allegedly sustained by the plaintiff were caused or contributed to in whole or in part by the plaintiff's failure to mitigate said injuries or damages, and if any judgment is recovered against the defendant(s) **SKENDER RADONCIC**, said judgment should be apportioned and reduced by the percentage of the plaintiff's failure to mitigate said injuries or damages.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

The liability of this answering defendant is limited under the terms of Article Sixteen of the Civil Practice Law and Rules of The State of New York.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

That the Court lacks jurisdiction over the person of the answering defendant.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

Upon information and belief, any past or future costs or expenses incurred or to be incurred by the plaintiff for medical care, dental care, custodial care or rehabilitative services, loss of earnings or other economic loss, has been or will with reasonable certainty be replaced or indemnified in whole or in part from a collateral source as defined in Section 4545(c) of the New York Civil Practice Law and Rules.

If any damages are recoverable against the answering defendants the amount of such damages shall be diminished by the amount of the funds which plaintiff has or shall receive from such collateral sources.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

Defendant, **SKENDER RADONCIC**, is a minor and plaintiff failed to properly institute suit against defendant.

WHEREFORE, the plaintiff on the counterclaim demand(s) judgment dismissing the counterclaim, of the defendants herein together with the costs and disbursement of this action.

DATED: New York, NY
February 19, 2008

Yours, etc.

EPSTEIN & McDONALD, ESQS.

Attorneys for the Defendant,

SKENDER RADONCIC

One Whitehall Street

New York, NY 10004-2109

Phone: (212) 248-9100

Fax Nos: (212) 510-9257, 510-9258,
510-9259

Our Nets No.: 08NY00607

By: _____

KENNETH E. PINCZOWER (KP)

TO: JOHN F. HARWICK, ESQ.
HACKER & MURPHY, LLP
Attorney for Plaintiffs
7 Airport Park Boulevard
Latham, NY 112110
Your Bar Roll No.: JFH 5253

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ROBERTA LEE LAWRENCE AND
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C O U N S E L O R S:

PLEASE TAKE NOTICE, that pursuant to Rule 30 of the Federal Rule of Civil Procedure, the testimony upon oral examination of the all parties will be taken before a Notary Public, who is not an attorney, or employee of an attorney, for any party or prospective party herein and who is not a person who would be disqualified to act as a juror because of interest in the event or because of consanguinity of affinity to any party herein:

DATE: **March 20, 2008** at **10:00 a.m.**

PLACE: EPSTEIN & McDONALD, ESQS.
One Whitehall Street, 13th Floor
New York, NY 10004-2109

PLEASE TAKE FURTHER NOTICE, that each party then and there to be examined is required to produce photographs of vehicles involved in the accident of date of accident which show damages sustained in accident; all photographs which show injuries sustained by each plaintiff in the accident of **March 1, 2007**, all photographs of scene of the accident; and income tax records for each plaintiff for **March 1, 2007**, so that such documents can be marked as exhibits and used on the examination.

DATED: New York, NY
February 19, 2008

**NOTICE TO TAKE
ORAL EXAMINATION**

Index No.: CV 08 00239

Yours, etc.

EPSTEIN & McDONALD, ESQS.

Attorneys for the Defendant,

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